

**IN RE: REALPAGE, INC., RENTAL
SOFTWARE ANTITRUST LITIGATION
(NO. II)**

MDL No. 3071

Chief Judge Waverly D. Crenshaw, Jr.

This Document Relates to:
ALL CASES

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Prometheus, Sares Regis, Rose, and CONTI moved to dismiss for lack of personal jurisdiction in the *Kabisch* matter. (D.E. 583.) On January 9, 2024, the Court held a status conference that included these Defendants, in which the Court addressed the possibility of 28 U.S.C. § 1631 transfer and directed the parties to confer and report back by January 19, 2024. (D.E. 697.) On January 11, 2024, all Defendants other than Prometheus, Rose, and CONTI entered into a stipulation and proposed order to set a February 5, 2024 Answer deadline. (D.E. 700.)² Defendants Prometheus, Rose, and CONTI noted in the stipulation that, in light of the pending motion to dismiss for lack of personal jurisdiction in *Kabisch*, they believed that they were not yet under a deadline to file an Answer. (D.E. 700 at n.1.) On January 17, 2024, the Court entered an Order approving the agreement by the stipulating parties to set a February 5 Answer deadline, and noting that Prometheus, Rose, and CONTI did not believe that they were under an obligation to answer. (D.E. 701.)

On January 19, 2024, the parties filed a Joint Status Report Concerning Personal Jurisdiction. (D.E. 706.) Prometheus, Rose, Sares Regis, and CONTI asserted that they saw no procedural basis to cure their jurisdictional challenges through 28 U.S.C. § 1631 transfer. (D.E. 706.) After receiving additional submissions (D.E. 774 and 775), the Court severed *Kabisch* and directed the Clerk to transfer three severed *Kabisch* claims to the Western District of Texas (as to CONTI), the Southern District of New York (as to Rose), and the Western District of Washington (as to Sares Regis and Prometheus). (D.E. 850.) On March 27, 2024, the JPML issued CTO-6 but stayed its entry for 7 days. On April 5, 2024, after receiving no objections, the JPML entered CTO-6, and the cases have been transferred back to this District.

² Sares Regis signed this Stipulation.

Prometheus, Rose, Sares Regis, and CONTI did not participate in the Rule 26(f) conference and did not join the parties' Joint Report Concerning Rule 26(f) Conference (D.E. 776 at n.1; *see* D.E. 776-1.) These Defendants also did not join the parties' submissions seeking entry of the following orders and stipulations:

- The Stipulation and Order on Expert Discovery. (D.E. 814.)
- The Joint Electronically Stored Information Order. (D.E. 815.)
- The Order on Deposition Protocol. (D.E. 816.)
- The Case Management Order. (D.E. 818.)

Prometheus agrees to be bound by the above Orders with the modified schedule deadlines that the parties propose below.

STATUS AS TO EACH DEFENDANT

SARES REGIS:

- Answer Status: On April 4, 2024, Sares Regis filed an Answer. (D.E. 878.)
- Initial Disclosures: Sares Regis made initial disclosures on February 27, 2024.
- Document Custodians: Sares Regis has been conferring with Plaintiffs about document custodians.
- RFP Status: Plaintiffs and Sares Regis agreed that it would serve responses and objections to Plaintiff's 1st and 2nd sets of Requests for Production ("RFPs") within 5 days of transfer back. (D.E. 872 at 3 n.2.)³
- Mediation: Sares Regis participated in the October 25, 2023 and March 15, 2024 mediations.

³ On February 6, 2024, Plaintiffs served copies of the RFPs to counsel of record for Sares Regis, Rose, Prometheus, and CONTI.

ROSE:

- Answer Status: The parties have agreed to a proposed schedule under which Rose will file an Answer within 14 days of transfer back to this Court.
- Initial Disclosures: The parties have agreed to a proposed schedule under which Rose will serve initial disclosures by April 26, 2024.
- Document Custodians: The parties have agreed to a proposed schedule under which Rose will begin conferring about custodians by May 3, 2024.
- RFP Status: The parties have agreed to a proposed schedule under which Rose will respond by May 6, 2024.
- Mediation: Rose participated in the October 24, 2023 and March 15, 2024 mediations.

PROMETHEUS:

- Answer Status: The parties have agreed to a proposed schedule under which Prometheus will file an Answer by April 26, 2024.
- Initial Disclosures: The parties have agreed to a proposed schedule under which Prometheus will serve initial disclosures by May 6, 2024.
- Document Custodians: The parties have agreed to a proposed schedule under which Prometheus and Plaintiffs will begin conferring about custodians by May 10, 2024.
- RFP Status: The parties have agreed to a proposed schedule under which Prometheus will respond by May 6, 2024.
- Mediation: Prometheus participated in the October 24, 2023 mediation. Prometheus has not participated in any subsequent mediation, but settlement negotiations are ongoing.
- Commencement of Rolling Productions of Non-Custodial Documents: The parties have agreed to a proposed schedule under which Prometheus will commence its productions of

non-custodial documents by June 11, 2024.

- Structured Data Sample: The parties have agreed to a proposed schedule under which Prometheus will provide a structured data sample by June 11, 2024.

Dated: April 9, 2024

/s/ Tricia R. Herzfeld

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CERTIFICATE OF SERVICE

I hereby certify that on April 9, 2024, I caused the foregoing to be electronically filed with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the email addresses denoted on the Electronic Mail Notice List.

/s/ Tricia R. Herzfeld

Tricia R. Herzfeld